

PCB JU 06-07

Class Action Lawsuits

2006

1 A bill to be entitled

2 An act relating to class action lawsuits; creating s.
3 774.01, F.S.; providing requirements for capacity to file
4 a class action; limiting actions to Florida residents;
5 providing exceptions; providing requirements for monetary
6 relief; eliminating private class action recovery of
7 statutory penalties and other forms of monetary relief
8 other than actual damages; providing monetary relief;
9 providing for availability of nonmonetary relief;
10 providing no effect on class action lawsuits involving
11 civil rights laws; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 774.01, Florida Statutes, is created to
16 read:

17 774.01 Capacity to sue.--

18 (1) (a) In any action asserting the right to class action
19 status, the claimant class having capacity to sue shall be
20 limited to residents of this state at the time of the alleged
21 misconduct, except as provided in paragraph (b).

22 (b) Before issuing the certification order, the court may
23 expand a class to include any nonresident whose claim is
24 recognized within the claimant's state of residence and is not
25 time-barred, but whose rights cannot be asserted because the
26 claimant's state of residence lacks personal jurisdiction over
27 the defendant or defendants. In addition, the claimant class may
28 include nonresidents if the conduct giving rise to the claim
29 occurred in or emanated from this state.

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30 (2) Notwithstanding any law to the contrary, in order to
31 maintain a class action seeking monetary relief, the class must
32 allege and prove actual damages. In any such class action, the
33 monetary recovery shall be limited to the amount of actual
34 damages. This section does not limit or restrict the ability of
35 the Attorney General to bring a class action for the recovery of
36 statutory penalties, if otherwise authorized by law. However,
37 class action claimants may seek to obtain, if appropriate,
38 nonmonetary relief, including injunctive relief, orders or
39 declaratory relief, and orders or judgments enjoining wrongful
40 conduct, regardless of whether the class action claimants can
41 prove any actual monetary damages. This section does not in any
42 way limit or restrict the availability of such nonmonetary
43 relief.

44 Section 2. This act does not affect any class action
45 lawsuits involving federal or state civil rights laws.

46 Section 3. This act shall take effect July 1, 2006.